

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: FAIRFIELD SENTRY LIMITED, et al., Debtor in Foreign Proceedings.	Chapter 15 Case Case No. 10-13164 (CGM) Jointly Administered
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. ABN AMRO SCHWEIZ AG a/k/a AMRO (SWITZERLAND) AG, et al., Defendants.	Adv. Pro. No. 10-03635 (CGM)
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. ABN AMRO SCHWEIZ AG a/k/a AMRO (SWITZERLAND) AG, et al., Defendants.	Adv. Pro. No. 10-03636 (CGM)

SEVENTH AMENDED SCHEDULING ORDER
ON PERSONAL JURISDICTION BRIEFING AND SUBSEQUENT DISCOVERY

WHEREAS, on September 28, 2021, the Court entered a scheduling order for briefing motions to dismiss for lack of personal jurisdiction (“PJ Motions”);

WHEREAS, on January 14, 2022, the Court amended that scheduling order to facilitate the parties’ continued negotiations over jurisdictional discovery;

WHEREAS, the parties stipulated to the Second Amended Scheduling Order on Personal

Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on August 2, 2022, at Adv. Pro. No. 10-03635, ECF No. 914; Adv. Pro. No. 10-03636, ECF No. 997 (“Second Amended Scheduling Order”);

WHEREAS, the Second Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to defendants’ PJ Motions to March 31, 2023, which extension was to seek jurisdictional discovery needed to oppose defendants’ PJ Motions;

WHEREAS, the parties stipulated to the Third Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on March 30, 2022, at Adv. Pro. No. 10-03635, ECF No. 1019; Adv. Pro. No. 10-03636, ECF No. 1112 (“Third Amended Scheduling Order”);

WHEREAS, the Third Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to certain defendants’ PJ Motions to May 12, 2023, which extension was to review further jurisdictional discovery to oppose those defendants’ PJ Motions and negotiate a potential settlement;

WHEREAS, the parties stipulated to the Fourth Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on May 15, 2023, Adv. Pro. No. 10-03635, ECF No. 1096; Adv. Pro. No. 10-03636, ECF No. 1199 (“Fourth Amended Scheduling Order”);

WHEREAS, the Fourth Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to certain defendants’ PJ Motions to May 26, 2023 and to July 11, 2023 for certain defendants, which extension was to review further jurisdictional discovery to oppose those defendants’ PJ Motions and negotiate a potential settlement;

WHEREAS, the parties stipulated to the Fifth Amended Scheduling Order on Personal

Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on May 25, 2023, Adv. Pro. No. 10-03635, ECF No. 1101; Adv. Pro. No. 10-03636, ECF No. 1207 (“Fifth Amended Scheduling Order”);

WHEREAS, the Fifth Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to certain defendants’ PJ Motions to June 9, 2023 and to July 26, 2023 for certain defendants, which extension was to negotiate a potential settlement;

WHEREAS, the parties stipulated to the Sixth Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on June 8, 2023, Adv. Pro. No. 10-03635, ECF No. 1104; Adv. Pro. No. 10-03636, ECF No. 1212 (“Sixth Amended Scheduling Order”);

WHEREAS, the Sixth Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to certain defendants’ PJ Motions to June 23, 2023 for certain defendants, which extension was to negotiate a potential settlement;

WHEREAS, the Liquidators wish to continue to negotiate a potential settlement with Banca Arner S.A. n/k/a One Swiss Bank;

WHEREAS, the Liquidators seek sufficient time in which to negotiate a potential settlement with Banca Arner S.A. n/k/a One Swiss Bank;

WHEREAS, the Liquidators do not seek extensions on PJ Motion opposition briefs relating to PJ Motions filed by defendants other than Banca Arner S.A. n/k/a One Swiss Bank, which opposition briefs have been or will be filed by the deadlines set in the Second, Third, Fourth, Fifth, or Sixth Amended Scheduling Orders;

WHEREAS, Banca Arner S.A. n/k/a One Swiss Bank, who joined the Liquidators in submitting the Notice of Presentment, consent to extend the deadline for the Liquidators to file

opposition briefs to their PJ Motions from June 23, 2023 to July 7, 2023;

WHEREAS, Vorarlberger Landes-Und Hypothekenbank AG (n/k/a Hypo Vorarlberg Bank AG), who joined the Liquidators in submitting the Notice of Presentment, has requested an extension of time from June 28, 2023 to July 28, 2023 to file its reply to the Liquidators' PJ Motion opposition due to a scheduling conflict;

WHEREAS, the Liquidators consent to extend the deadline for Vorarlberger Landes-Und Hypothekenbank AG (n/k/a Hypo Vorarlberg Bank AG) to file its reply in support its PJ Motion from June 28, 2023 to July 28, 2023;

WHEREAS, Vorarlberger Landes-Und Hypothekenbank AG (n/k/a Hypo Vorarlberg Bank AG)'s requested extension for its reply does not relate to PJ Motions filed by defendants other than Vorarlberger Landes-Und Hypothekenbank AG (n/k/a Hypo Vorarlberg Bank AG);

WHEREAS, there is good cause to extend the case schedule accordingly;

IT IS NOW, THEREFORE, HEREBY ORDERED, that:

1. The deadlines in the Sixth Amended Scheduling Order shall only be affected by this Seventh Amended Scheduling Order with respect to Vorarlberger Landes-Und Hypothekenbank AG (n/k/a Hypo Vorarlberg Bank AG) and Banca Arner S.A. n/k/a One Swiss Bank;

2. With respect to the Vorarlberger Landes-Und Hypothekenbank AG (n/k/a Hypo Vorarlberg Bank AG), Vorarlberger Landes-Und Hypothekenbank AG (n/k/a Hypo Vorarlberg Bank AG) shall file its reply in support of its PJ Motion by **July 28, 2023**;

3. With respect to the Banca Arner S.A. n/k/a One Swiss Bank, the Liquidators shall file its opposition to this defendant's PJ Motion by **July 7, 2023**;

4. Banca Arner S.A. n/k/a One Swiss Bank shall file its reply in further support of its PJ Motions within 90 days of service of an opposition with respect to its PJ Motion;

5. The Court shall hear argument with respect to each defendant's PJ Motion at the next omnibus conference that is at least 30 days after service of a reply in further support of such PJ Motion; and

6. To the extent not modified herein, the provisions of the September 28, 2021 scheduling order regarding the PJ Motions, the provisions of the October 25, 2021 scheduling order following the parties' Rule 26(f) conference, the provisions of the August 2, 2022 Second Amended Scheduling Order, the provisions of the March 30, 2023 Third Amended Scheduling Order, the provisions of the May 15, 2023 Fourth Amended Scheduling Order, the provisions of the May 25, 2023 Fifth Amended Scheduling Order, and all other provisions of the June 8, 2023 Sixth Amended Scheduling Order remain in full force and effect.